THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.17547 of 1997

DATED: 28-2-2007

Between:

S.Muzaffar Mohammad.

… Petitioner.

And

The Registrar,
Jawaharlal Nehru Technological University,
Hyderabad.

And another.

… Respondents.

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.17547 of 1997

ORDER:

This writ petition is filed for a writ of mandamus declaring the action of the respondents in giving artificial breaks and in not regularizing the services of the petitioner in the post of Technician as arbitrary, discriminatory and for consequential direction to absorb the petitioner in the post of Technician in the first respondent university.

The case of the petitioner, as can be culled out from the averments in the affidavit filed in support of the writ petition is that he was appointed as Technician on 14.6.1990 in Oil Technological Research Institute of the respondent – University and is working with breaks in his services at periodical intervals. It is stated that the respondent university notified various posts including the post of Fitter, Turner and General Mechanic on 31.10.1995. The petitioner submitted his application for the said post, however those vacancies are not filled up so far. The grievance of the petitioner is that though the vacancies exist, the petitioner's services are not being regularized.

Dr.J.Krishnama Charyulu, Director In charge of JNTU, Anantapur filed a counter affidavit in which it is stated that Oil Technological Research Institute (OTRI) was originally a wing of Government and was established for the purpose of conducting research and technology in oil and fats and in the year 1985 the said wing was

transferred to JNTU. It is stated that the nature of work to be carried out by OTRI is to undertake research work on various oil seeds under the schemes sponsored by various departments in the Central Government. It is further stated that such schemes are time bound and as soon as the time bound schemes are over the services of the persons engaged on tenure basis under these schemes are to be dispensed with. It is further stated that the petitioner's services were taken from 14.6.1990 depending upon the necessity of his services and finally when the scheme was no longer continued his services were dispensed with from 31.3.1998.

On the aforementioned facts it is clear that the petitioner's services were engaged for a limited period in connection with a scheme, which according to the respondents came to an end by 31.3.1998. The petitioner's services were no longer required by the respondents.

Having regard to the aforementioned factual matrix, the petitioner failed to show that he has got any substantial legal right to seek regularization/absorption in the respondent University. A constitution bench of the Apex Court in **Secretary, State of Karnataka vs Uma Devi**[1] held that temporary, contingent or casual employees have no legal right to seek absorption or regularization contrary to the statutory provisions. This was reiterated in **State of U.P. vs Deshraj**[2]**.**

For the aforementioned reasons, the writ petition fails and is accordingly dismissed. No order as to costs.

C.V.NAGARJUNA REDDY,J

Date:28.02.2007

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[1] (2006) 4 SCC 1

[2] (2007) 1 SCC 257